OFFICE OF MAYOR RAHM EMANUEL

CITY OF CHICAGO

November 28, 2018

J. Ader
63748-35933107@requests.muckrock.com

Dear J. Ader:

On behalf of the City of Chicago Office of the Mayor ("Mayor's Office"), I am responding to your Freedom of Information Act ("FOIA") request received on November 13, 2018. The Mayor's Office sought a timely extension on November 20, 2018, and are now responding to your request in which you are seeking:

> *Any and all communications between the Mayor's office and Amazon regarding any bid to Amazon's site of its second headquarters (otherwise known as Amazon HQ2) from September 1, 2017 to the date this request is received.*
>
> *Any and all communications sent or received by Robert S. Rivkin (Deputy Mayor of Chicago) - including but not limited to emails, texts, mail, etc - regarding bids for Amazon HQ2 from September 1, 2017 to the date this request is received.*
>
> *Please do not forget to query any "private" email addresses such as the one at rahmemail.com*

Please be advised that your request is unduly burdensome. Section 3(g) of FOIA provides that "requests for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information." 5 ILCS 140/3(g).

In order to effectively run an email search, the Mayor's Office needs the following search parameters: (1) the e-mail address(es) or employee name(s) of the account(s) you wish searched and (2) key words you wish to be searched and (3) a timeframe. Without search parameters, the Mayor's Office would need to review all department emails to determine whether any are responsive to your request. Such an undertaking would pose an immense burden on the department.

The Mayor's Office recognizes that you have provided a timeframe of September 1, 2017 to November 13, 2017. In addition, you have identified Robert S. Rivkin as an individual whose email should be searched for responsive records. To the extent you seek additional custodians from the Mayor's Office, you can find a list of Mayor's Office employees here that may provide guidance:

https://www.cityofchicago.org/city/en/depts/dhr/dataset/current_employeenamessalariesandpositiontitles.html

After reviewing the link, if you need further assistance in narrowing your request, please contact me.

Also, please confirm the keywords you would like search. Without any keywords, it is likely that the number of emails would be too voluminous to evaluate within the statutory timeframe to respond to FOIA. After review of your FOIA request, it appears that one key word, you want searched is "Amazon." Therefore, in an effort to locate responsive records, the Mayor's Office did run a search of the two custodians you named, Mayor Emanuel and Robert Rivkin, for the term "Amazon," which would capture both the email domain, "amazon.com" and emails regarding Amazon, both of which you are seeking, between September 1, 2017 and November 13, 2018. Please be advised that that search returned over 12,000 responsive emails.

In order to produce the requested records, the Mayor's Office would be required to download the records, convert them to PDF format, review the records, determine if they are responsive, and redact any information exempt under FOIA. In my experience as the FOIA officer for the Mayor's Office for 7 months, and a FOIA officer for another City agency for 15 months, the review, including consultation and communication with the appropriate parties as to the nature of the records, redaction, and production of 30 records takes approximately 1 hour.

Spending one 1 hour reviewing and redacting 30 records would require the Mayor's Office to spend approximately 400 hours on this one request. Spending 400 hours on this request is burdensome for the Mayor's Office and would require over fifteen weeks just to respond to this one FOIA request. The Mayor's Office could not fulfill this request within the statutory timeframe provided in FOIA, even if an extension was sought. Moreover, the Mayor's Office received 8 other FOIA requests between November 13 and November 19, 2018. Therefore, devoting so much time to one request would be impractical. While the Mayor's Office recognizes that there is a public interest in the requested records, it is not feasible to spend 400 hours on this one request. Moreover, if you provide additional key words with a shorter timeframe, it is likely that the search results will be less.

The Mayor's Office did do a search of the private emails in our possession for the term, "Amazon" for the timeframe provided, and responsive records are produced herewith. Please be advised that personal email addresses and phone numbers have been redacted pursuant to Section 7(1)(b) of FOIA, which exempts "private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order." 5 ILCS 140/7(1)(b). Section 2(c-5) defines "private information" as:

> unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person.

5 ILCS 140/2(c-5). Because these items are specifically exempted under Section 7(1)(b), they have been properly redacted.

Certain information not pertaining to public business, has been redacted pursuant to Section 7(1)(c) of FOIA, which exempts:

> [p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. 'Unwarranted invasion of personal privacy' means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right of privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

5 ILCS 140/7(1)(c). The release of this information would constitute an unwarranted invasion of personal privacy, and there is no public interest in its disclosure, and it has therefore been properly redacted or withheld.

Certain propriety information of private businesses has been withheld pursuant to Section 7(1)(g), which exempts:

> Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

5 ILCS 140/7(1)(g). The redacted information was furnished under a claim of confidentiality, and its disclosure would cause competitive harm to the businesses at issue, and has therefore been properly redacted or withheld.

As mentioned above, if you would assistance in narrowing your request, I welcome the opportunity to work with you to craft an email search. Otherwise, for the reasons provided, the Mayor's Office is unable to respond to your FOIA request as currently drafted.

If you agree to narrow your request, you must submit a revised written request to my attention. The Mayor's Office will take no further action or send you any further correspondence unless and until your current request is narrowed in writing.

In the event that we do not receive a narrowed request and your current FOIA request is therefore denied, you have the right to have a denial reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General, 500 S. 2nd Street, Springfield, Illinois 62706, (877) 299-3642. You also have the right to seek judicial review of your denial by filing a lawsuit in Cook County Circuit Court.

Sincerely,

Shannon Leonard
Freedom of Information Officer